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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,
11
12 v.
13 HUMBERTO MENDOZA-TORRES
14 (31),
Defendant.

CASE NO. 10CR3044 WQH
ORDER

Hayes, Judge:

15 The matter before the court is the motion under 18 U.S.C. §3582(c)(2) for
16 modification of sentence (ECF No. 2384) filed by Defendant.

17 On October 22, 2015, this Court entered the following order:

18 Amendment 782 to the United States Sentencing Guidelines, effective
19 November 1, 2014, lowered the penalties for drug offenses by reducing the
20 offense level in the § 2D1.1 Drug Quantity Table by two levels. In this
21 case, Defendant was sentenced to serve a term of imprisonment for a
22 violation of 18 U.S.C. § 1962(d) conspiracy to conduct enterprise through
a pattern of racketeering activity. The guideline calculation was based
upon U.S.S.G. § 2A4.1(a) conspiracy to kidnap. The record established
that the sentence imposed was not based upon an amount of controlled
substance that was affected by Amendment 782.

23 IT IS HEREBY ORDERED that the motion for reduction of
24 sentence pursuant to 18 U.S.C. §3582(c)(2) Guideline Amendment 782
(ECF No. 2208) is denied.

25 (ECF No. 2247).

26 Defendant now moves the Court to apply the 2014 amendment retroactively and
27 modify his sentence. This Court has fully considered a reduction of Defendant's
28 sentence pursuant to Amendment 782 and 18 U.S.C. § 3582(c)(2). Defendant has cited

1 no authority which would permit this Court to modify the sentence imposed. *See* 18
2 U.S.C. § 3582(c).

3 IT IS HEREBY ORDERED that motion under 18 U.S.C. §3582(c)(2) for
4 modification of sentence (ECF No. 2384) is denied.

5 DATED: January 24, 2018

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7 **WILLIAM Q. HAYES**
8 United States District Judge
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